

DETAILED DISCUSSION OF THE PRIOR ART AND COMPARISON TO THE CLAIMS

The website www.activegrams.com (hereafter "Activegrams") discloses a process for selecting a message or greeting provided on a website and sending an e-mail to a recipient with a link displayed in the text of the e-mail to access the selected message upon selection of the link by the recipient. Exhibit A is a print out of a page from Activegrams with the address: <http://www.activegrams.com/cgi-bin/viewactivegrams.cgi?dadbdy> on September 16, 1999. On this page, the message has been selected by a user and input spaces are provided for inputting a recipient's name and e-mail address, a sender's name and e-mail address, and a textual message to the recipient which, upon selection of the "MAIL IT NOW" button at the bottom of the page transmits an e-mail to the recipient's e-mail address with a selectable link displayed in the text of the e-mail to the selected message.

When the link displayed in the text of the e-mail is selected by the recipient, Exhibit B, which is a print out of a page from Activegrams with the address: <http://www.activegrams.com/cgi-bin/viewactivegrams2cgi?1411215ki> on September 16, 1999, is displayed showing the selected message. Also displayed on this page is the selected message in the frame positioned towards the right side of the page (which is blank in the print out).

Activegrams also permits the entering of a portion of the text of the link displayed in the text of the e-mail in an input space of a page of Activegrams to view the selected message. In the example above, the portion of the displayed link that must be entered into this input space to access the selected message is "1411215" which is found towards the end of the text string of the displayed link. To perform this act, the user or recipient is required to manually input this portion of the text string in the input space for example by typing "1411215" into the input space with a keyboard coupled

to the computer or by cutting and pasting "1411215" from the text of the e-mail into the input space.

With reference to claim 1, Applicant claims a method for communicating via an application program included in an electronic message. With reference to claim 15, Applicant claims a code segment embodiment on a computer readable medium for communicating via an application program included in an electronic message. First, the application program is initialized after a first electronic message transmitted over a network is selected by a first user. After initialization, the application program in the first electronic message is executed. Such execution of the application program includes displaying text included with the first electronic message, receiving input from the first user, changing a non-textual aspect of the first electronic message based on the input from the first user, allowing entry of text, and sending the entered text and the application program over the network in a second electronic message to a second user upon selection of the indicia.

Activegrams does not teach or suggest the combination of limitations set forth in Applicant's claims 1 and 15. In particular, Activegrams does not teach or suggest the limitations of receiving input from the first user and changing a non-textual aspect of the first electronic message based on the input from the first user in combination with the other limitations of claims 1 or 15 especially the limitations that require an application program (e.g., a sub-browser), allowing entry of text, and sending of the entered text and application program over a network in a second electronic message to a second user. As an illustrative example of these claims, the first electronic message may graphically display a moving eyeball whose movement, during use, is adapted to coincide with the movement of a mouse cursor. Nowhere in the Activegrams reference is such a feature (as claimed in Applicant's claims 1 and 15) disclosed. Thus, it is submitted that the combination of limitations of Applicant's claims 1 and 15 are completely foreign to the teachings of Activegrams and therefore, Applicant's claims 1 and 15 are believed to be allowable over Activegrams. Applicant's claims 2 through 14 depend from Applicant's claim 1. Therefore, by virtue of their dependence from

Applicant's claim 1, Applicant's claims 2 through 14 are believed to be allowable over Activegrams.

With reference to Applicant's claim 16, an electronic message is claimed for being accessed by an electronic mail browser executed on a computer. The electronic message includes a data object which includes text and an application program object which is adapted for being initialized after the electronic message is selected using an electronic mail browser. The application program object is executed after the initialization thereof. The execution of the application program object includes: displaying text of the data object, receiving input from the a first user, changing a non-textual aspect of the first electronic message based on the input from the first user, allowing entry of text, and sending the entered text and the application program object over the network in a second electronic message to a second user upon selection of the indicia.

Similar to Applicant's claims 1 and 15, the combination of the limitations of Applicant's claim 16 is not taught or suggested by Activegrams. Again, Activegrams does not teach or suggest the limitations of receiving input from the first user and changing an non-textual aspect of the first electronic message based on the input from the first user in combination with the other limitations of claim 16. Thus, it is submitted that the combination of limitations of Applicant's claim 16 are completely foreign to the teachings of Activegrams and therefore, Applicant's claim 16 are believed to be allowable over Activegrams.

Thus, for the reasons stated above, the limitations of Applicant's claims 1, 15, 16, are believed to be completely foreign to the teachings of reference cited herein and therefore are believed to be allowable over the cited reference. Applicant's claims 2-14 depend from Applicant's claim 1 and therefore, by virtue of their dependency from Applicant's claim 1 are also believed to be allowable over the cited reference.